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ABSTRACT

Children's rights can be served by maximizing from birth the opportunities for each individual child's healthy growth, well-being, and fulfillment. Knowledge of the developmental needs and characteristics of children must be the foundation for action and policy by government and other agencies and institutions--national, state and local. Children have the right to grow up in a society which respects the dignity of life, the right to be born healthy and wanted, the right to grow up in nurturing family and community environments, the right to be educated to capacity, and the right to have societal mechanisms effect the foregoing rights. Three major concerns must guide the development of any recommendations designed to secure the rights of children: (1) commitment to children as a primary factor, (2) commitment to individualize care of children by all persons serving them, and (3) special concern for the mental and physical health of minority children. (Author/WY)

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THE RIGHTS OF CHILDREN

Report of Forum 22

1970 White House Conference on Children

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SUMMARY

This forum believes that children's rights can only be served by maximizing from birth the opportunities for each individual child's healthy growth, well-being, and fulfillment. Knowledge of the developmental needs and characteristics of children must be the foundation for action and policy by government and other agencies and institutions -- national, state, and local.

The often reiterated rights of children can be grouped as follows:

- The right to grow in a society which respects the dignity of life, free of poverty, discriminations, and other forms of degradation.
- The right to be born a wanted healthy child.
- The right to grow up nurtured by affectionate parents.
- The rights to be a child during childhood, to meaningful choices in the process of maturation and development, and a meaningful voice in the community.
- The right to be educated to the limits of individual capability and through processes designed to elicit them.
- The right to have societal mechanisms developed to make the foregoing rights effective.

Three major concerns emerged from forum discussions which may guide the development of recommendations at the Conference:

1. There must be a primary commitment to the rights of children. This will have implications for changes in

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the law, judicial and administrative practices, organizations and designs of child care agencies.

2. A commitment must be made to individualized care to children by all persons serving them. This has implications not only for structure of child serving institutions but for training personnel, and governing and monitoring programs.
3. There must be special concern for the mental and physical health of minority children. This has implications for the right of self-determination by indigenous community groups, the development of self-esteem, and for the development of models of effective parents.

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INTRODUCTION

The topic, "The Rights of Children," may suggest a narrow focus upon law. However, the issue of rights, while partly a legal matter, has greater depth and scope. Stephen Hess, Chairman of the 1970 White House Conference, captured both this broader focus and a key dilemma facing those concerned with the rights of children when he said, "But there remains the whole area of pre-court rights; the child is often a victim of those whom society has designated as his protectors -- parents, guardians, teachers, physicians, and yes -- even lawyers." This forum is concerned with rights, both "pre-court" and beyond the ken of the court, as well as with the problems of who protects the child from his protectors, who guards against the guardians, and what mechanism and which person provide the best means to gain and protect the rights of children.

An often quoted truism is that this (and any) nation's most precious natural resource is its children, their hopes and aspirations, their capacities and capabilities. To state this truism, however, is not to contend that we have always acted in accord with it, nor is it to assert that at a time of ever-growing complexity and tension in our society we have both the capability and will to act. To act in a manner consistent with a commitment to children is both the crisis we face and the challenge we must accept -- not only in the forum and at this conference, but in the nation at large.

While there have been expressions of concern in the past over the rights of children, today they have a special intensity

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and dynamism. This is partly a concomitant of the drive for rights among other groups of the deprived -- minorities and women. As in the drive for women's rights, there is a growing sense that earlier laws and conventions designed to "protect" the weak (women and children) have become constraints that must be cast aside. As we increasingly question the effectiveness of the agencies serving children, particularly schools, the issue of rights gains prominence. Our growing knowledge of child development and of the effects of deprivation also makes action essential. In addition, when growing productivity and material affluence make the opportunities for a better life attainable, public attention naturally turns to rights as the means for ensuring such opportunities.

The foundation of our consideration of children's rights is a knowledge of their developmental needs and characteristics. When defining a child's rights in a series of entitlements, it must be recognized that as a child grows, many of his developmental needs and characteristics change, including his capacity for mastering certain tasks. Furthermore, children in the same developmental phase can have differing needs depending upon many factors either within them or in their environment. Public policy and action -- federal, state, and local -- must rest upon this knowledge if it is to provide our children the opportunities for healthy growth, internal well-being, and fulfillment.

To actively pursue conditions which facilitate the child's growth into a healthy adult -- able both to influence and adapt to society -- we must emphasize designing and establishing

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opportunities for growth, not creating involuntary benefits or a tyranny of services. The state is obligated to establish, maintain, and safeguard equal access to such opportunities and to ensure that children are not forced to utilize a given service merely because it is available.

Internal well-being is crucial to the fullest development of each child's potential. Although parents remain centrally important in the child's guidance and emotional, as well as biological, nurturing, they cannot be expected to meet all a child's needs as he seeks to cope with today's highly complex, mobile, and increasingly stressful world. The state must take an active role by establishing and protecting those rights which reflect his needs. Consequently, the work of this forum and the total conference must focus upon the state's role in guaranteeing these rights and opportunities.

GOALS

As a result of research conducted by forum members, we have identified three major goals to which there must be a national commitment.

1. The primary commitment of this nation must be to ensure the rights of children.
2. There must be a commitment to individualized care by all who work with children.
3. There must be a commitment to equal opportunity for mental and physical health among minority group children.

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We have based this commitment upon the following five foundations:

1. The birth, growth, and developmental needs of children and their families must be met, as these needs are manifested among children at different ages, in different sequences, patterns, and circumstances.
2. The needs of all children must be met regardless of socioeconomic status, race, sex, or place of living.
3. Both the family and the society share the responsibility for meeting a child's needs.

A child's sense of responsibility, comprised of self-discipline and respect for others, is necessary to his development and results from the family's and society's responsible behavior towards him. The magnitude of these obligations is such that neither the family nor society alone can meet them.

Security for the child in and through the family is a basic precondition for his self-realization. The security we envision is not merely the absence of want but also a sense of future security -- an absence of fear of the future, a sense of the regularity of basic necessities defined in the context of a society with material abundance, and a sense of control over the important life choices. When such security cannot be offered by parents alone, society must provide the means for achieving it while preserving the family's dignity and its right to decision-making.

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4. Services must be equal in access, control, and quality -- regardless of the family's financial circumstances.

Services must be tailored to the needs of the individual; and the manner in which they are delivered, the place, the time, and persons to administer them must be decided with the child's dignity as the prime consideration. Above all, those maintaining and rendering services should be directly and continuously accountable to the individual recipient and to the community of which he is a part.

5. We conceive of "rights" as the intrinsic entitlements of every human born (or residing) in the United States.

Although adult rights have been specifically delineated in the law and Bill of Rights, children are still considered objects to be protected -- indeed, almost possessions. We must now recognize their inherent rights which, although not exclusively those established by law and enforced by courts, are nonetheless closely related to the law.

Children constitute one of our largest and most vulnerable minority groups. But, they have no voice in political processes, and they do not directly participate in lobbies on their own behalf. At a time when they are particularly weak and easily intimidated and manipulated, their rights are especially vulnerable to infringement. Their rights can be and frequently are infringed upon -- often by those who declaim that they act in the child's interest.

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The issues of children's rights can conveniently be examined in their legal context in the relationship of the child to the parent, family, school, courts, and society; and in the forms of accountability and enforcement of these rights.

The Child and Parent

Much of the law now governing the relationship between parent and child relegates the child to little more than the status of a chattel. Parents are described as having "property" rights in children. In almost every instance, children's economic interests are made subservient to those of the parents. Legal concepts of parental control and legal requirements of parental consent leave the child little opportunity for self-determination. The time has come for reexamination of such fundamental issues as the extent to which a child is entitled to seek medical and psychiatric assistance, birth control information, and even abortion, without parental consent or over parental opposition. The entire concept of emancipation and its consequences is also worthy of reevaluation. And the concept that the child is economically subservient to the parent, now embraced in common law and statutory directives, should be studied again. The desirability of subjecting children to the stigma of juvenile court proceedings merely because their conduct conflicts with parental standards should also be the subject of careful study.

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The Child and the Family Unit

Whether advertently or not, divorce, child custody, and adoption laws and regulations, while paying obeisance to the "welfare of the child," are frequently the means for playing out adult interests, venting adult anger, serving adult convenience, or meeting adult desires. A serious commitment to children involves reexamining the laws, statutes, ordinances, rules, and regulations governing marriage, divorce, custody, support, paternity, adoption, dependency, guardianship, and property rights not only to clarify and bring coherence to a confused and often contradictory whole, but to ground these policies and procedures in the primacy of the child's interests.

The Child and School

Because the state compels children to attend school, because children are relatively weak, because they are easily coerced, and because school is the institution of society with which children have their first close contact, it is especially important that the school honor children's rights and recognize the primacy of their interests.

The most basic right a child has in school is the right of access to a satisfactory education. Whatever a child's color, sex, race, class, physical condition, or behavior, he is and should be entitled to publicly supported educational services. No child should be excluded, expelled, or suspended from such services for more than a few days unless alternative provisions for his education are available and arranged.

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As in the case of children's rights in general, the rights which children have in school do not have to be earned. Their exercise is the child's privilege even if his judgment is poor, or if he is ill-informed, is ill-mannered, or has contributed little or nothing to his class, school, or society. Any list of a child's rights in school should include among others:

1. Freedom to express ideas verbally and in print, as well as by wearing buttons, badges, armbands, or insignia.
2. Opportunity to refuse without penalty or embarrassment to participate in ceremonies and activities expressing loyalty to or agreement with any belief or symbol.
3. Due process in any procedure involving loss of the right to attend or to fully participate in school activities. Moreover, it should be a child's prerogative to negotiate with school officials on issues involving his rights.
4. Freedom from corporal punishment.
5. Protection from unauthorized use of school records, the indiscriminate use of tests and similar screening devices, and the release of such data to sources outside the school without the pupil's knowledge and consent. A concomitant of this right is the opportunity for the child and parents to review the records periodically and insert clarifying or countervailing material.
6. Freedom to follow their own taste in clothing and grooming.

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The above rights should be limited or ignored if, and only to the extent that, their exercise presents a present danger to the child or other children, or could cause persons and property serious harm; or if it is demonstrably necessary to limit them so that the school can serve all its students equally.

Our concern for the rights of the child in the school is not only for the reasons stated, but also because we believe that education today must recognize that meaningful participation by the child in the processes and substance of his education is desirable.

The Child and the Courts

In 1967, Supreme Court Justice Fortas, writing in In re Gault, summarized the basis for establishing special juvenile proceedings:

Early reformers were appalled by adult procedures and penalties and by the fact that children could be given long prison sentences and mixed in jails with hardened criminals. They were profoundly convinced that society's duty to the child could not be confined by the concept of justice alone. The child, essentially good, as they saw it, was to be made "to feel that he is the object of the State's care and solicitude," not that he was under arrest or on trial.

Unfortunately, procedures initially designed to be rehabilitative but not retributive, informed but not abusive, enlightened but not willful, have too frequently become the opposite of their intent. Children have been forced to seek redress from their

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presumed benefactors. Newly won, or perhaps better, newly affirmed, rights include those to counsel, appeal, due process, the invocation of the privileges of avoiding self-incrimination, of confronting those who give harmful testimony, and of being convicted only upon proof beyond a reasonable doubt. As Mr. Justice Black wrote In re Gault, children are entitled to these rights "because they are specifically and unequivocally granted by provisions of the Fifth and Sixth Amendments which the Fourteenth Amendment makes applicable to the states."

Writing in the same case, Mr. Justice Fortas pointed to the evils caused by "unbridled discretion," "the absence of substantive standards," "the absence of procedural rules," "departure from established principles of due process," and "arbitrariness." The recognition of these conditions, too often characteristic of juvenile proceedings, compels us to look further at issues such as standards for arrest, search and seizure, pre-hearing detention, bail, the case of social and psychological reports and records, the stigma of juvenile arrest records, trial by jury, and the intermingling of investigative, accusatory, and adjudicative functions.

The Child and Society

The spate of recent court decisions, In re Gault and others, has brought the view of the state as *parens patriae* -- the benevolent protector of the vulnerable child -- into question. But, whatever the procedural safeguards won in these decisions, there are entitlements of children which go much further -- the right

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to protection against neglect, abuse, poverty, discrimination, or degradation. Most important, there is little redress for children especially when their rights are infringed upon in the name of rehabilitation or treatment. The help given children must be benevolent and therapeutic; it must not be designed to merely avoid or shunt the problem aside nor should it involve incarceration or imprisonment, whatever the detention facility is labeled. A simple step has been recommended by the Pennsylvania Governor's Council for Human Services Task Force on the Family: "Establish the practice that no delinquency charge is filed against a child or youth who applies for help."

Children's Rights and Legal Accountability

The rights described above, legal or otherwise, will remain unachieved aspirations unless the means and mechanisms are developed and implemented to assure their exercise. Past experience has shown that neither fine laws nor benevolent administrators are sufficient, but that a system of multiple support and protection sources for children is needed.

Those persons and institutions -- parents, schools, social welfare agencies, public officials, governing bodies -- charged with promoting, protecting, and implementing the rights of children must be held legally accountable for their failures and deficiencies in meeting these responsibilities. Further, we must establish persons and agencies to specifically seek the enforcement of the rights of children. Various forms are possible, such as, ombudsmen, child advocates, and enlarged access to

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counsel or some combination of these. And, finally, means must be developed for involving children themselves in protecting their own rights. However, this forum believes our nation is now sufficiently developed so that it can provide, assert, and, where appropriate, legally enforce rights heretofore neither universally recognized nor capable of universal provision.

Specific Rights of Children

This discussion of the foundation of children's rights at law is only a prologue to our delineation of those specific rights which we believe are central to a child's well-being. We have formulated these rights in six groups:

1. The right to grow in a society which respects the dignity of life, free of poverty, discrimination, and other forms of degradation
2. The right to be born a healthy and wanted child
3. The right to grow up nurtured by affectionate parents
4. The right to be a child during childhood, to meaningful choices in the process of maturation and development, and a meaningful voice in the community
5. The right to be educated to the limits of individual capability and through processes designed to elicit their full potential
6. The right to have societal mechanisms developed to make the foregoing rights effective.

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The above categorization is neither unique nor original: compare it, for example, with the Children's Charter of the White House Conference of 1930¹ or the basic rights of the child listed by the Joint Commission on Mental Health in its report, Crisis in Child Mental Health: Challenge for the 1970's.²

In delineating these rights we are not stating or implying that children alone have rights, nor are we recommending a child-centered society. And we do not offer recipes or formulas for guaranteeing a child's rights, but rather guidelines for evaluating current practices and developing strategies for their improvement. The question arises as to whether the rights of children in a democratic society are coexistent with those of adults. The American Civil Liberties Union in answering this question in a Statement to the White House Conference on Children said:

The answer is necessarily qualified by the emotional, biological, and social immaturity of children and the fact of their dependence on the adult world. Children are subject to the control and protection of not only their parents but a number of institutions, such as schools, agencies, and the courts. The issue, therefore, is not whether a child's liberties are the same as an adult's, but how the limits of adult control may be drawn so as not to infringe on the child's right to grow in freedom in accordance with the spirit of civil liberties embodied in the Constitution.

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We caution against the understandable tendency to simply modify current practices and revamp or expand current services. New approaches are needed. We have deliberately tried to avoid concretizing or singling out any one way to insure these rights. By mentioning opportunities which should be available to all, we seek to avoid the idea of compulsory services. We insist instead that the society create and support developmentally sound options from which the individual may seek and receive support, help, and nourishment to the extent he needs them.

1. The Right to Grow in a Society Which Respects the Dignity of Life and Is Free of Poverty, Discrimination, and Other Forms of Degradation.

This right is the basic pre-condition for all that follows in a child's life. A society continuously under tension of war and near-war and subject to the insanity of nuclear holocaust; a society which permits poverty when it has the resources -- but apparently not the will -- to end it; which continues to unreasonably circumscribe individual effort and achievement on the basis of color, sex, religion, and social status -- by definition denies the rights of children.

To thrive, children must have the opportunity to live and grow in a society free of war and its ever-present threat, a society which demonstrates its commitment to its children by eliminating hunger, poverty, racism, and sexism. A child must have the opportunity to live in an ordered world where he can anticipate the consequences of action or effort. The lack of such order forces the child to concentrate too much of his

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energy on the bare necessities of survival which impedes his quest for self-fulfillment.

Children need to see in their parents and other adults models of the kind of person they can aspire to become. They need to see their parents as having some control of their own destiny including economic security. This is particularly important for minority children.

Children raised in a minority culture will thrive and be able to value it if they see their parents as dignified, significant, and economically secure adults. Children need the assurance of dignity and a decent standard of living in every setting to be able to adopt the best values, to make free choices concerning their future, and to love and provide security for their own children.

We must also encourage minority groups to preserve their heritage because it forms the basis for stability in their children. Parents who know and are proud of their origins can offer a child the heritage, the history, and the security which will give him a "flexible stability." Such stability is necessary if a child is to work for meaningful change, solve new problems, as well as adapt to a rapidly changing world. Future shock, resulting in apathy and immobilization, occurs primarily in children and adults whose heritage and relationships with parents have been insecure.

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2. The Right To Be Born a Wanted and Healthy Child
3. The Right To Grow Up Nurtured by Affectionate Parents

Since the above two rights are so closely connected, our discussion of them is combined. Primarily we are concerned with how to create a situation in which children can be nourished and wanted, and with the ways the legal system either supports or conflicts with this goal. Our basic focus has been on the role of government -- federal, state, and local -- whose work is promoted through law.

We define a wanted child as one who is valued and desired on a continuing basis by at least one adult. Such an adult offers the child affection, nourishes the child physically, cognitively, and emotionally fosters the child's feeling that he is and continues to be valued by those who take care of him.

We must ask to what extent does our tendency toward violent resolution of conflict, both internationally and domestically, undercut and interfere with the child's right to affection and nurturing. We must also ask how adequate are existing laws for creating an environment in which all children can be nourished and wanted. We are not speaking of law mainly in terms of compulsion, but of laws as a means of creating opportunities for, or eliminating obstacles to, a child's complete development.

The child who is wanted begins life under conditions that favor his development. Nevertheless, his parents will probably need various kinds of prenatal and postnatal assistance and services to continue and sustain his healthy growth. All pregnant women

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regardless of class, marital status, or locale, must have adequate nutrition, excellent prenatal care, and skilled delivery to ensure a healthy child. All newly delivered mothers should be under the care of specially trained nursing personnel. Subsequently, these personnel, perhaps paraprofessionals who have borne and raised children, should be available to help parents with home and child problems. Such care is within our technical skills and economic capability. Particular emphasis must be placed on developing psychological supports and other services on a neighborhood and community basis. The financial incapacity of the new parent should not, as it frequently does, preclude continuity of adequate, nourishing care for a child. Laws should ensure financial and other tangible supports for adults so they can fulfill their parental role.

The unwanted child, however, frequently faces insurmountable barriers to his healthy development. Close review of the investigations underway on infants and small children deprived of nurturing indicates that deprivation at critical stages of development may be crippling. By the time a child is three, the effects of deprivation, although possible to ameliorate, may not be entirely reversible. Mothers (and fathers) who are depressed as a result of having unwanted children or who have marital or other problems which reduce their sense of adequacy may not be able to nurture a baby or a growing child.

Studies of the "failure to thrive" syndrome point less to genetic or physiological determinants and more to psychological

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and behavioral factors. An ever downward cycle is likely when the infant, deprived of stimulation and involvement with a nurturing adult, begins to fuss, is sleepless, and fails to gain weight and grow. And, the mother, seeing this, labels herself a failure. This feeling of failure only increases the estrangement between mother and baby, further blocking the mother's capacity to relate to the child in a nurturing manner. Here, then, is identified the interconnection of the first three rights: if the parents are degraded by the society, or if the absence of birth control or abortion facilities produce an unwanted child, the likelihood of their being affectionate and nurturing toward their child is sharply diminished.

We believe there are several ways to help ensure that our children are wanted and nurtured. All who wish to prevent a pregnancy should have easy access to contraceptive and family planning information. Abortions should be available, although not mandatory. The parent who brings the child into the world and discovers he does not want him should not be compelled or shamed into keeping him. Such ritualistic adherence to the biological or blood tie has frequently led the law to preclude the child's having an opportunity to be wanted. Other nurturing adults should be available to assume parenthood of the child whose biological family is unable to care for him.

The arbitrary categorizing of the nonbiological parent as "foster parent" can be detrimental to a child since it connotes a lack of permanency. We must frequently ask ourselves at what point has the biological parent in a psychological sense lost

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his status as a real parent. The law must recognize that "foster parents" can become "real parents" and change existing laws and policies which support the misconception that they cannot. In other placement settings, such as institutions, laws could help preserve a child's sense of life's continuity by regulating procedures so that the staff maintains meaningful communication with those adults who are important in the child's life.

We must also find ways, without intruding upon the rights of adults, to identify "unwanted" children as early as possible so that we can ensure their opportunities to grow and develop in a healthy way. We currently let many children remain in a desperate family situation for too long. For example, a battered child should be an immediate signal that there is hostility between the family and himself. This signal, in turn, should trigger the full mobilization of resources to help both the child and his family.

Removing the poorly nurtured child from non-consenting parents will be a most difficult problem, since, in a democratic society, both the interests of the child and his parents must be safeguarded. The decision will be even more difficult because of the enormous emotional freight or entanglement that the concerned adult must unravel to see the issue clearly. Since another possibility is that the professional involved may permit an unrecognized bias to be the major determinant of his decision, those who judge such cases must be trained to know when these

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forces are at work and to take them into account in their decision-making.

If the choice is ultimately between what is least detrimental to the child or what is least detrimental to the adult, we profess a bias in the child's interest. If we exercise this preference, it should help interrupt the transmission of conflict and pathology from one generation to the next. Just as the battered child often batters his children, so the well-nurtured child is likely to be a nurturing parent.

Child-centered divorce laws should be required to ensure that the welfare of the children of the marriage is primary. This means that the parent with the greater capacity to nurture and love the child would gain custody of him. It also implies that when parents are using the child against one another, the court would provide nurturing and loving foster homes and adoptive families. Such parenting persons must be given preparatory guidance and continuous counseling to ensure success after placement. This is particularly important in the case of children who have developed emotional and learning problems; such children must also receive any special services they require.

This forum also believes that we frequently go to the other extreme of removing children from their homes too soon. By "too soon" we mean that we have not mobilized the kinds of help which might enable the family to maintain or reconstitute itself so that the parents can adequately fulfill their role. We believe that all possible steps should be taken to strengthen and preserve the family. Disruption of the family and weakening of its

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structure and affectionate bonds should not be permitted except by police action in situations where there is a clear and present danger to the safety of others, or by the military service in a national emergency. However, the effect upon children should be a factor in the implementation of Selective Service laws.

Child-centered criminal and civil law would not remove parents from their families, as is the current practice, for minor crimes and misdemeanors -- failure to pay parking fines, rents. In such cases, the court would be enjoined to consider the primacy of the family and the obligation to strengthen it. The courts would offer defendants more beneficial opportunities to make restitution and learn citizen and parental responsibility, such as meaningful weekend work designed to clean up and beautify the environment. In some instances, joint projects of this type, involving teen-agers in the family, could enhance the family unity. Such beneficial "sentences" could help decrease crime, especially if the opportunity for the defendant to maintain his job and do it more effectively are part of the court's injunction. Some of our county courts have already instituted this practice.

When parents have been imprisoned, liberal visiting privileges or live-in provision for the infant (as is the case in some modern institutions) so his mother may continue nurturing him are required to maintain some degree of family stability.

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4. The Right To Be a Child during Childhood, to Meaningful Choices in the Process of Maturation and Development, and to a Meaningful Voice in the Community.

We force children to make choices much too early; we are too quick to label and categorize them; we maintain all encompassing and permanent records which stigmatize children. All these practices rob the child of the opportunity to be a child -- of the right to play, investigate, explore, relate, test, try out, experiment, and rebel.

The balance between gathering and recording information about the child to aid his growth, and using it to label and shunt him into one or another "track" in his schooling, is too tenuous to permit a mere expression of good intent to justify these activities. We must continuously evaluate how and by whom such information is collected, by whom and for what purposes it is used, for how long and in what way it is maintained. Prevention of abuse can be promoted by being open about the existence of such records, by allowing the party concerned access to them and the opportunity to comment upon and challenge particular items, and by positive legal sanctions to ensure their non-harmful use.

Laws and police practices, school regulations, and social welfare agency procedures must not brand children as criminals, deviates, or disruptors. A child has the right to learn through trial and error, to try a variety of educational experiences, and, if necessary, to fail without permanent stigmas or labels.

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In a rapidly changing, pluralistic society, we have a vital need to help children learn flexibility and openness, to tolerate others, and to develop the capability for leadership and the capacity for living with dissonance and differences made inevitable by technological change. This will require a new and flexible educational system which, unlike today's rigid schools, is ready to help children learn flexibility and problem solving. It will also require that we, as adults, develop a basic respect for differences through appreciation and understanding of minority groups. We must give minority groups their right to self-determination and economic security.

Children also need to see in the adults models which they can emulate. If they lack secure parental and adult models, they shrink from involvement and commitment. And, they develop myriad mental and physical problems as they seek oblivion and escape from change and responsibility through meaningless work, uninvolved as citizens, and addiction to drugs and TV.

We can also help our children accept responsibility by allowing them their right to serve responsibly and to be valued and needed by others as they give of themselves. Too often, little is expected of the child who could, given the opportunity, take some responsibility in the family, among his peers, and in the community. For example, by giving children the opportunity to serve as volunteers or workers in a day care center or other child and youth serving program, they will not only experience the self-respect which accepting responsibility can bring, but they will also gain ideal parenting preparation from

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observing behavior and learning patterns in children of various ages.

Children also have a right to participate in making decisions which affect their lives. And, one of the most effective ways to help young people develop a sense of self-determination as well as responsibility is through group projects. For example, gathering data and making recommendations on issues of major concern to their community -- better housing, pollution, safety in the streets, multiple use of school plants for community functions -- all teach children how to acquire facts, evaluate them, and come to rational, workable conclusions. Or, classroom projects beginning in fourth and fifth grades actively involving children in democratic processes can be excellent early practice in citizen participation. Permitting students to assess their own learning as well as the teaching methods in class and gathering data on how to improve both is an ideal project. Older children could guide younger students to appropriate resource materials in such a project, with the result that the relationships between age groups would be enhanced.

Early preparation for responsible citizenship is essential. As participating citizens, children develop social responsibility. The close involvement in actual problem solving experiences in the schools and the community creates mutual respect, a sense of warmth and closeness, and regard for the contributions of others. Working together creates a sense of intimacy which permits people to express their verbal as well as non-verbal feelings, sensitizing all participants to a range of feelings

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within themselves and others and their various forms of expression.

5. The Right To Be Educated to the Limits of Individual Capability and through Processes Designed To Elicit Their Full Potential.

Children have the right to a childhood which, through the support of loving adults, permits them to reach their fullest potential both intellectually and socially. They have a right to guidance from adult and institutional models whose love and concern is expressed in ways to help them achieve self-reliance, self-discipline, and self-realization. Only through meaningful education and by developing their abilities can children become contributing members, as well as leaders, of society. Minority children, especially, face discrimination which thwarts the development of the type of competence and mastery to make them effective future leaders.

Children also learn best through active involvement -- by doing, experiencing, and experimenting. Too often education today stifles the spirit of inquiry, curiosity, experimentation, creativity -- the very qualities which must be nurtured and encouraged. A child has a right to explore his environment, learning from both success and failure as he experiments with a variety of experiences. Educators and others responsible for the child's education are obliged to use their observations on behalf of the child, to help him to use his talents in a manner most satisfying to him and most useful to society.

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Equal and enlightened education must be available to all children regardless of race, sex, language, handicap, or behavior. Differences in children -- in their sex, age, maturation -- require differing approaches to their education. For example, the autonomic nervous system stabilizes earlier in girls than in boys. The result is that girls are ready to learn when they enter primary school, but many large-muscled hyperactive boys cannot yet sit still long enough to learn to read and write. The school's uniform curriculum may contribute to such a youngster's increased hyperactivity and learning difficulties. In addition to different developmental patterns, varying learning styles, backgrounds, and strengths must be sought out and respected. When one form of education is not conducive to the child's best development, alternate forms and models need to be established. The society carries the obligation to provide the type of educational experience in which every child can and does succeed. School personnel and others delivering these services must be responsible both to the children and to their parents. Such accountability can be fostered by permitting the child to help plan, design, and implement educational activities.

6. The Right To Have Societal Mechanisms Developed To Make the Foregoing Rights Effective.

Schools, welfare agencies, police and courts, and mental health and health institutions all, unfortunately, undermine respect for individual and social differences. They abuse their clients'

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rights through a system of non-service, or at best brutalized service, to which Black, Indian, Spanish-speaking, and Oriental adults and children can all testify.

Most observers would agree that our present system fails for the following reasons:

- Service delivery arrangements are geared more to professional and field needs than those of children.
- We reach only a fraction of the need population and then too frequently provide too little, too late.
- We deal primarily with crises rather than prevention.
- Although we know that problems often begin in infancy, we only develop intervention programs for those who have passed this critical period.

To establish systems which carry out our stated commitment to children, we need to revise the basis upon which services are offered, provide instruments and agents who act on the behalf of children, and utilize and train new personnel. Those who are served by institutions and programs should have some voice in their control and direction. Their participation in the governing of such agencies will not only make these agencies more responsive to those whom they are to serve, but the very process of such involvement will lead to better services by these agencies. As the "Coleman Report" noted on school, the child's sense of involvement in and responsiveness to the school is an important factor in how well he learns in that school. Only then can these institutions prevent further alienation by actually reflecting the citizens' concerns and

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needs in today's changing environment.

Individuals, agencies, and public bodies providing services to children have seldom been held legally accountable for ensuring their clients' rights as well as for their overall performance. It is not enough, for example, to assert and enforce the right of a child to education; the right to be sought, asserted, and enforced is that of quality education. Similarly with the other rights described, the assertion of the right must include a standard of performance and a positive obligation of the service-giving party to deliver it. Agencies not meeting recommended standards should face a variety of charges, including malpractice liability. To hold such agencies responsible raises questions as to sovereign immunity, the defenses of legislative domain, as well as the failure to meet professional standards and practices.

Since current mechanisms for asserting and enforcing the rights of children are either limited or non-existent, child advocate services should be established. Such services must be accessible and available to every child, and must be able to operate effectively within the context of each of the institutions which impinge upon the life of the child -- school, courts, police, and child care agencies. Advocates should seek redress both on an individual "casework" and a general social action level. We suggest establishing a national Office of Child Advocacy to operate at the highest governmental level as both an advocate and a lobby in behalf of children, as well as local child advocate services responsive to a local constituency.

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In addition to the above enforcement mechanisms, we must select and train adults for work with children who can meet their rights and needs. We have often limited or excluded potentially excellent workers by arbitrary and irrelevant standards such as those regarding formal training and credentials. The experience gained over the past several years in using paraprofessionals in schools, health and welfare agencies, courts, and counseling programs argues for broadening the definition of those who can and should serve. Training in the most advanced techniques of their professions is central to effectively using paraprofessionals as well as those traditionally employed by child-serving institutions. Thus teachers, judges, social workers, probation officers, welfare workers, physicians, nurses, and counselors must know how to use themselves and paraprofessionals most effectively in each of their roles and be able to train and be trained by paraprofessionals to provide the manpower needed to serve children and their families.

Sensitivity to the needs of others is prerequisite to serving children. Learning this requires competence in the specific child service area and involves participating in group techniques to aid in understanding the feelings and needs of others. Such training will, of course, carry with it a definite accountability to the clients served and to the community.

Training must also be geared to understanding and advancing the rights of children at all developmental stages, to protecting their inherent fragility and sensitivities, and to identifying

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each child's uniqueness so that it can be preserved and enhanced.

Human service professionals and paraprofessionals must learn how to provide each child the individual attention which will meet his needs and help him become a more effective and loving person. One benefit of such individual attention would be the protection of the child from societal and family abuse through recognition by, for example, the teacher, of the signs and warnings of impending difficulties.

Training must also develop an understanding of the contingencies of any professional's or paraprofessional's actions on the child's next stage of development. Teachers, judges, and medical personnel must be aware of their impact on the child and his family and of how they are a child's model of adult behavior; his reactions and interactions as an adult are shaped by each contact with the meaningful adults in his life.

Training to understand the various modalities of learning, learning styles, and individual learning needs must be part of the training of all who work the children. The humanity of treatment of children and their families must also be a part of good training which results in consideration of the needs of the child and the development of his sense of responsibility. An excellent example of how such action results in humane treatment is when a physician honestly prepares a child for a surgical procedure: he will consult with the child and family about details and permit family members to remain at the bedside to maintain the child's optimal mental and physical resources in time of stress.

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Mutual respect of adults for one another -- cooperation on behalf of a child should be part of training experiences, since the child, through such an example, will develop respect for adults, self-respect, and self-discipline.

Finally, training adolescents to serve other children in various paraprofessional roles is not only excellent pre-professional experience for the adolescent, but it enables the younger child to learn from and model himself after a peer.

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ENDNOTES

1. The right to be wanted and born well.

The right to open systems that focus on the future.

The right to a healthful environment.

The right to early childhood experiences which are suitable to each child's current needs and which provide a foundation for future educational experience.

The right to a system of formal education which provides the opportunity for accumulating broad knowledge, helps individuals to achieve their aspirations, and promotes humanitarian attitudes.

The right to become a participating and productive member of society.

The right to receive special attention and support from private and governmental bodies so that basic needs are met.

The right to well-functioning organizational systems with sufficient and effective manpower to provide a broad spectrum of services.

The right to a world and universe free from the threat of annihilation by war.

2. The right to be wanted.

The right to be born healthy.

The right to live in a healthy environment.

The right to continuous loving care.

The right to satisfaction of basic needs.

The right to acquire the intellectual and emotional skills necessary to achieve individual aspirations and to cope effectively in our society.

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